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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/673,986	09/29/2003	Peter Kozdon	2003P08066US	2831
7590 01/28/2008				
Siemens Corporation		EXAMINER		
Attn: Elsa Keller, Legal Administrator		PHAN, JOSEPH T		
Intellectual Property Department		ART UNIT		
170 Wood Avenue South		PAPER NUMBER		
Iselin, NJ 08830		2614		
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Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

## Office Action Summary

**Application No.**

10/673,986

**Applicant(s)**

KOZDON ET AL.

**Examiner**

Joseph T. Phan

**Art Unit**

2614

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 25 October 2007.
- 2a) ☒ This action is **FINAL**.                      2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-3, 5-11, 17 and 18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-3, 5-11, and 17-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☐ All    b) ☐ Some \*    c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
  2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892)   | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                       | 5) <input type="checkbox"/> Notice of Informal Patent Application                       |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

## DETAILED ACTION

### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

**Claims 1-3, 5-11, and 17-18 rejected under 35 U.S.C. 102(e) as being anticipated by Becker et al., Patent #6,981,223.**

Regarding claims 1, 17, and 18, Becker teaches a system, method, and article of manufacture comprising:

a processor, a communication port coupled to said processor and adapted to communicate with at least one device, and a storage device coupled to said processor and storing instructions adapted to be executed by said processor(Fig.15-16) to:

determine a plurality of communication devices associated with an identity and determine at least one media capability associated with each of said plurality of communication devices  
(Fig.15 and col.20 line 57-col.21 line 6; Lou's plurality of communication devices shows media capability for each-fax for faxing, mailbox for emailing, etc);

determine availability information for each of said at least one media capability associated with each of said plurality of communication devices, where the availability information for each of said at least one media capability provides an indication of the

availability for each of said at least one specific media capability(*Fig.15 and col.20 line 57-col.21 line 6; claim only recites "availability information", the system shows media capability(fax machine, etc.) which is 'available' but not necessarily present*); and

providing for each of said plurality of communication devices, via a user interface, an aggregated view of data indicative of said availability information for each of said at least one media capability associated with each of said plurality of communication devices(*Fig.15 and col.20 line 30-col.21 line 6*).

Regarding claim 2, Becker teaches the method of claim 1, further comprising the step of: receiving a request for information regarding media channel availability for said identity(*Fig.15 and col.20 line 30-col.21 line 6*).

Regarding claim 3, Becker teaches the method of claim 1, further comprising the step of: receiving a request for information regarding media channel availability for said device(*Fig.15 and col.20 line 30-col.21 line 6*).

Regarding claim 5, Becker teaches the method of claim 1, wherein said providing of said aggregated view of data indicative of said availability information further provides information identifying said device(*Fig.15 and col.20 line 30-col.21 line 6*).

Regarding claim 6, Becker teaches the method of claim 1, wherein said providing of said aggregated view of data indicative of said availability information further provides information identifying said identity(*Fig.15 and col.20 line 30-col.21 line 6*).

Regarding claim 7, Becker teaches the method of claim 1, wherein said providing of said aggregated view of data indicative of said availability information further provides information identifying an identity context associated with said identity(*Fig.15 and col.20 line 30-col.21 line*

6).

Regarding claim 8, Becker teaches the method of claim 1, further comprising the step of: determining a device context for said device (Fig.15 and col.20 line 30-col.21 line 6).

Regarding claim 9, Becker teaches the method of claim 1, further comprising the step of: determining a rule governing availability of said media channel (Fig.15 and col.20 line 30-col.21 line 6).

Regarding claim 10, Becker teaches the method of claim 1, further comprising the step of: determining a rule that governs how availability of said media channel is to be determined (Fig.15 and col.20 line 30-col.21 line 6).

Regarding claim 11, Becker teaches the method of claim 1, further comprising the step of: determining an identity context for said identity (Fig.15, col.20 line 30-col.21 line 6).

### ***Response to Arguments***

2. Applicant's arguments filed 10/25/2007 have been fully considered but they are not persuasive.

Applicant argues that the term "availability" has a specific and limited meaning within the Becker reference. Examiner respectfully disagrees as Becker shows several different scenarios and embodiments and not all of them show the term "available". For example, in Fig.15 as examiner cited, Lou does not show the term "available" but it is known that he is available on the phone-as the phone icon is circled. Therefore, Becker's "available" term is not specific and limited. Assuming Arguendo, applicant's claim merely recites availability 'information' ...provides an indication of the availability for each media capability. Lou's

devices shows the media capability and therefore it is understood that it is 'available' as being capable of receiving/transmitting the device's respective media capability.

And therefore, the claims as currently recited can be read onto Becker.

It is noted again that the applicant is giving more meaning and breadth to the term "availability" than is allowed. The term 'availability' can be interpreted as broadly as the system merely being able to identify the media capability of the communication devices of Lou, i.e. a fax machine/computer/phone is shown and therefore availability information of faxing/emailing, etc is shown, even though not necessarily presently ON at the time. Becker and applicant's invention are in the same field of endeavor and therefore, the examiner has interpreted the claims in light of the specification.

Although the claims are interpreted in light of the specification, limitations from the specification are not read into the claims. See *In re Van Geuns*, 988 F.2d 1181, 26 USPQ2d 1057 (Fed. Cir. 1993).

Furthermore, applicant identifies that Becker is able to show the identification of media capabilities(faxing, emailing, etc.) on the figure of page 8(applicant's remarks submitted 04/30/2007) and therefore 'availability information' is shown.

### ***Conclusion***

3. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after

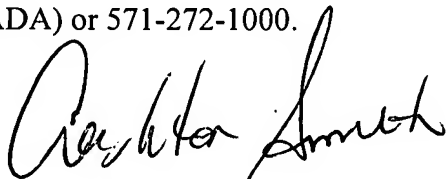
the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Joseph T. Phan whose telephone number is (571) 272-7544. The examiner can normally be reached on Mon-Fri 9am-6pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Fan Tsang can be reached on (571) 272-7547. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

JTP  
January 17, 2007

  
**CREIGHTON SMITH**  
**PRIMARY EXAMINER**